

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States District Court  
Southern District of Texas  
FILED  
FEB 28 2002

Michael N. Milby, Clerk

MARK NEWBY, et al.,	§	
Individually and On Behalf Of	§	Civil Action
All Others Similarly Situated	§	No. H-01-3624
	§	And Consolidated Cases
vs.	§	
	§	
ENRON CORP., et al.	§	
	§	

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AMERICAN NATIONAL INSURANCE	§	
COMPANY, et al.	§	Civil Action
	§	No. G-02-0084
vs.	§	(Consolidated)
	§	
ARTHUR ANDERSEN, L.L.P.,	§	
et al.	§	

DEFENDANT D. STEPHEN GODDARD, JR.'S OPPOSITION  
TO PLAINTIFFS' MOTION TO REMAND

1. Defendant D. Stephen Goddard, Jr. ("Mr. Goddard") respectfully submits this opposition to the motion to remand by Plaintiffs American National Insurance Company, American National Investment Accounts, Inc., SM&R Investments, Inc., American National Property and Casualty Company, Standard Life and Accident Insurance Company, Farm Family Life Insurance Company, Farm Family Casualty Insurance Company, and National Western Life Insurance Company (collectively "Plaintiffs") filed on February 8, 2002.

2. Plaintiffs filed their petition in state court on December 27, 2001, against twenty-eight defendants, including Mr. Goddard, who was the managing partner of the Houston office of Defendant Arthur Andersen, L.L.P. ("Andersen").

3. Andersen filed a notice of removal on February 1, 2002, based on federal question jurisdiction pursuant to the Securities Litigation Uniform Standards Act of 1998, 15 U.S.C. § 78p(b) ("SLUSA"), and the doctrine of supplemental jurisdiction under 28 U.S.C. § 1367. That notice of removal set forth that Andersen sought and obtained consent of all defendants who have been served in this action, as is required under the federal removal statute. See *Callaway v. G.S.P., Inc.*, 793 F. Supp. 133, 134 (S.D. Tex. 1992); see also 28 U.S.C. § 1446.

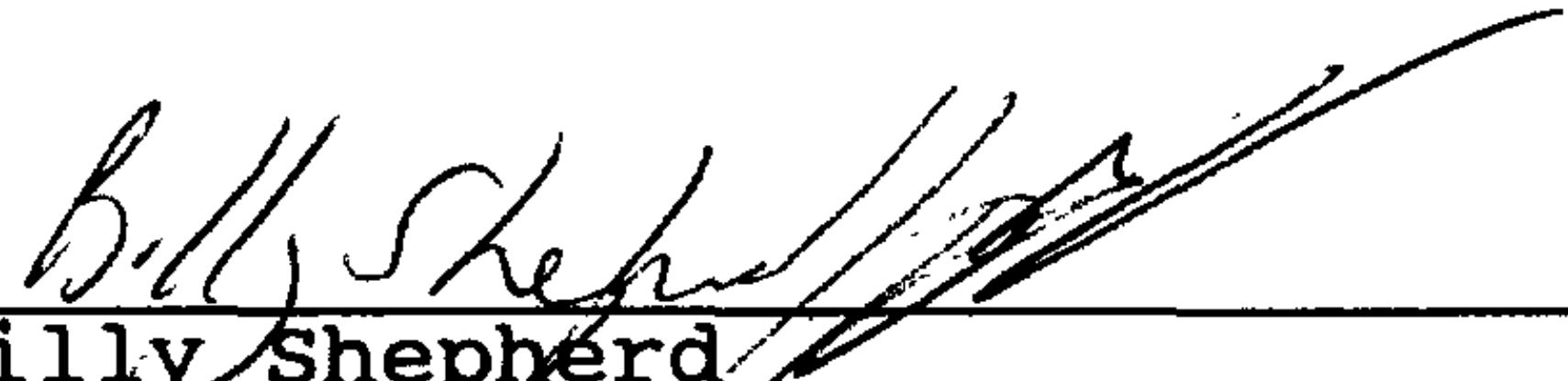
4. In response, Plaintiffs filed their motion to remand on February 8, 2002, asking this Court to remand the case to the 56th Judicial District Court of Galveston County, Texas. In their motion, Plaintiffs argue that this Court lacks subject matter jurisdiction over this action, and that Andersen's removal of this case was procedurally defective because Andersen did not demonstrate that it had obtained the required consent to removal from all defendants. Andersen will address both of these issues in its response to the motion to remand, and Mr. Goddard will not repeat those arguments here.

5. To the extent that Plaintiffs question whether Andersen's counsel had obtained consent from all defendants for removal, counsel for Mr. Goddard confirms that Andersen obtained Mr. Goddard's consent prior to its filing of its Notice of Removal on February 1, 2002. Specifically, counsel for Andersen contacted counsel for Mr. Goddard and obtained Mr. Goddard's consent to removal.

6. For the foregoing reasons and for reasons set forth by Andersen, this Court should deny Plaintiffs' Motion to Remand.

Respectfully submitted,

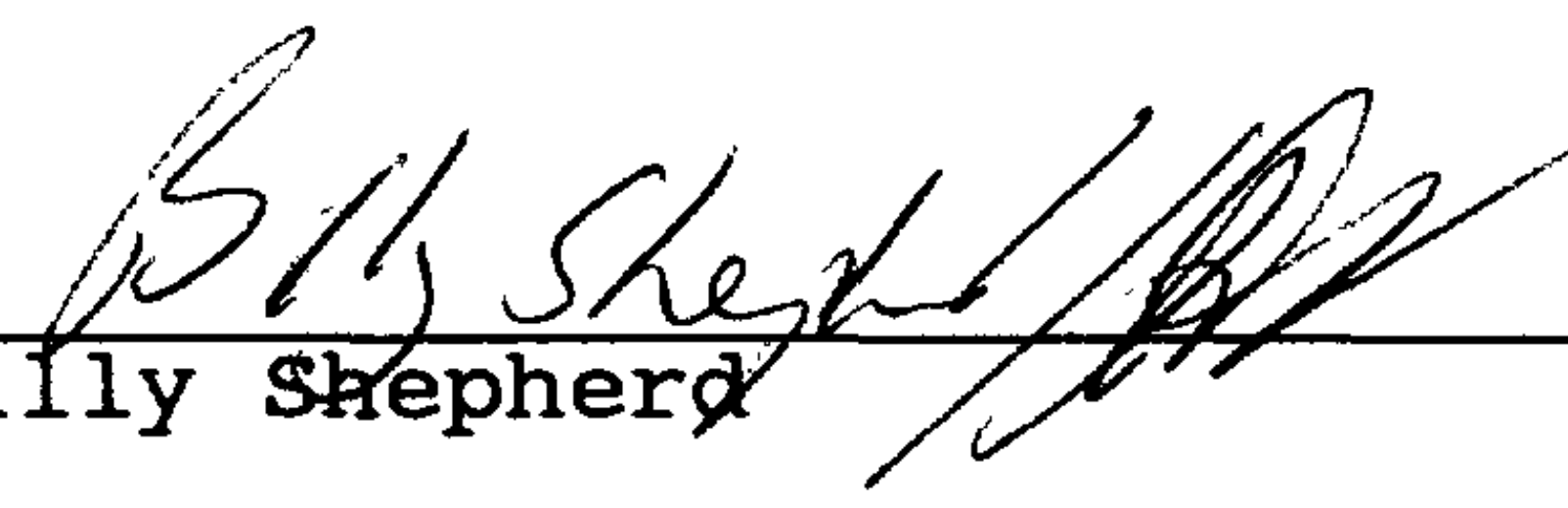
CRUSE, SCOTT, HENDERSON & ALLEN LLP.

By   
Billy Shepherd  
Texas Bar No. 18219700  
600 Travis Street, Suite 3900  
Houston, Texas 77002-2910  
(713) 650-6600  
Facsimile (713) 650-1720

Attorneys for Defendant  
D. Stephen Goddard, Jr.

**Certificate of Service**

I hereby certify that on this 28<sup>th</sup> day of February, 2002, a true and correct copy of the foregoing instrument was served upon counsel of record, as listed on the attached service list, in accordance with the Federal Rules of Civil Procedure.

  
Billy Shepherd

Service List

Mr. Andrew J. Mytelka  
Mr. John S. McEldowney  
Mr. Joe A. C. Fulcher  
Mr. M. David LeBlanc  
Greer, Herz & Adams, L.L.P.  
One Moody Plaza, 18th Floor  
Galveston, Texas 77550  
Attorneys for Plaintiffs  
American National Insurance Company;  
American National Investment Accounts, Inc.;  
SM&R Investments, Inc.;  
American National Property and Casualty Company;  
Standard Life and Accident Insurance Company;  
Farm Family Life Insurance Company;  
Farm Family Casualty Insurance Company; and  
National Western Life Insurance Company

Mr. Rusty Hardin  
Mr. Andrew Ramzel  
Mr. Joe M. Roden  
Mr. Andy Drumheller  
Rusty Hardin & Associates, P.C.  
1201 Louisiana Street, Suite 330  
Houston, Texas 77002-5809  
Attorneys for Defendants  
Arthur Andersen, L.L.P.

Ms. Sharon Katz  
Mr. Daniel Kolb  
Mr. Michael Carroll  
Mr. Matthew S. Warren  
Davis Polk & Wardwell  
450 Lexington Avenue  
New York, New York 10017  
Attorneys for Arthur Andersen, L.L.P.

Mr. Steven C. Malin  
Sidley Austin Brown & Wood L.L.P.  
717 North Harwood, Suite 3400  
Dallas, Texas 75201  
Attorneys for Defendant  
D. Stephen Goddard, Jr.

Sidley Austin Brown & Wood L.L.P.  
Mr. Michael D. Warden  
Ms. Luisa Caro  
Mr. Thomas C. Green  
1501 K Street, N.W.  
Washington, D.C. 20005  
Attorneys for D. Stephen Goddard, Jr.

Mr. Barry G. Flynn  
Mr. Mark W. Thayer  
Law Offices of Barry G. Flynn, P.C.  
1300 Post Oak Boulevard, Suite 750  
Houston, Texas 77056  
Attorneys for Defendant  
David Duncan

Mr. Sam Seymour  
Mr. G. Vince DiBlasi  
Mr. Michael B. Miller  
Sullivan & Cromwell  
125 Broad Street  
New York, New York 10004  
Attorneys for David Duncan

Mr. James E. Coleman, Jr.  
Mr. Ken Carroll  
Ms. Diane M. Sumoski  
Carrington Coleman Sloman & Blumenthal L.L.P.  
200 Crescent Court, Suite 1500  
Dallas, Texas 75201  
Attorneys for Defendant  
Kenneth L. Lay

Mr. David Clarke, Jr.  
Ms. Keara M. Gordon  
Piper, Marbury, Rudnick & Wolfe, L.L.P.  
1200 Nineteenth Street N.W.  
Washington, D.C. 20036  
Attorneys for Kenneth L. Lay

Mr. Bruce Hiler  
Mr. Robert M. Stern  
O'Melveny & Myers, L.L.P.  
555 13th Street, N.W., Suite 500W  
Washington, D.C. 20004  
Attorneys for Jeffrey K. Skilling

Mr. Craig Smyser  
Smyser, Kaplan & Veselka, L.L.P.  
700 Louisiana Street, Suite 2300  
Houston, Texas 77002  
Attorneys for Andrew S. Fastow

Mr. Richard Bruce Drubel, Jr.  
Boies Schiller, et al.  
26 South Main Street  
Hanover, New Hampshire 03755  
Attorneys for Andrew S. Fastow



Mr. Jacks C. Nickens  
Mr. Paul D. Flack  
Nickens, Lawless & Flack, L.L.P.  
1000 Louisiana Street, Suite 5360  
Houston, Texas 77002  
Attorneys for Richard A. Causey and Richard B. Buy

Mr. Eric J. R. Nichols  
Beck, Redden & Secrest  
1221 McKinney Street, Suite 4500  
Houston, Texas 77010-2010  
Attorneys for Michael Kopper

Mr. Robin C. Gibbs  
Ms. Kathy D. Patrick  
Mr. Robert J. Madden  
Mr. Jeremy L. Doyle  
Gibbs & Bruns, L.L.P.  
1100 Louisiana Street, Suite 5300  
Houston, Texas 77002  
Attorneys for Outside Directors: Robert K. Jaedicke;  
Ronnie C. Chan; Joe C. Foy; John Wakeman; Wendy L.  
Gramm; John Mendelson; Paulo V. Ferraz Pereira; Robert  
A. Belfer; Norman P. Blake, Jr.; John H. Duncan;  
Charles A. Lemaistre; Frank Savage; Herbert S.  
Winokur, Jr.; Jerome J. Meyer

Mr. Zachary W. L. Wright  
Tonkon Torp. L.L.P.  
1600 Pioneer Tower  
888 S.W. Fifth Avenue  
Portland, Oregon 97204-2099  
Attorneys for Ken L. Harrison

Mr. John J. McKetta, III  
Ms. Helen Currie Foster  
Graves, Dougherty, Hearon & Moody  
515 Congress Avenue, Suite 2300  
Austin, Texas 78701  
Attorneys for Rebecca Mark-Jusbasche

Mr. H. Bruce Golden  
Mr. Randall C. Owens  
Golden & Owens, L.L.P.  
1221 McKinney Street, Suite 3600  
Houston, Texas 77010-2010  
Attorneys for John A. Urquhart